

DIRECTIVE

WORKFORCE INVESTMENT ACT

Number: WIAD02-11

Date: February 3, 2003
69:96:jcb:6641

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: TITLE I ELIGIBILITY **(INACTIVE)**

EXECUTIVE SUMMARY:

Purpose:

The purpose of this directive is to provide updated technical assistance to California's workforce investment areas about determining applicant eligibility to participate in the Workforce Investment Act's (WIA) Title I-B adult, dislocated worker, and youth programs.

This directive includes new and supplemental guidance that was released during the previous program year. Changes to the Technical Assistance Guide (TAG) are briefly enumerated below in the Policy and Procedures portion of this directive.

Scope:

The requirements in this directive apply to Local Workforce Investment Areas (LWIA) and subrecipients responsible for determining the eligibility of applicants for Title I-B adult, dislocated worker, and youth activities.

Effective Date:

This directive is effective immediately.

REFERENCES:

- WIA Title 29 Section 2801, et seq.
- Title 20, Code of Federal Regulations (CFR), Part 652, et al.

STATE-IMPOSED REQUIREMENTS:

By the authority provided to State and local governments to establish their own policies, interpretations, guidelines and definitions (Title 20, CFR Section 661.120), this directive and its accompanying TAG contain State-imposed requirements, which are printed in ***bold, italic type***.

FILING INSTRUCTIONS:

This directive supersedes WIA Directive WIAD01-2 dated July 25, 2001, and finalizes Draft Directive WIADD-45, issued for comments on October 25, 2002. Retain this directive until further notice.

BACKGROUND:

Title I-B of WIA authorizes a workforce investment system to provide workforce preparation and employment to eligible adults, dislocated workers, and youth. Section 661.120 of the WIA regulations provides authority to State and local governments to establish their own eligibility policies, procedures, and definitions as long as they are consistent with WIA and the WIA regulations.

POLICY AND PROCEDURES:

The following changes to the State's Eligibility TAG have been made:

1. Guidance pertaining to basic skills and basic literacy skills is clarified.
2. Citizenship as an additional eligibility requirement is eliminated.
3. Stopgap employment is defined.
4. The eligibility of individuals under the Older Americans Act of 1965 is clarified.
5. Supplemental guidance released during Program Year 2001-2002 is incorporated.
6. The guidance in Attachment 3 has been replaced by Training and Employment Guidance Letter 8-98 (Selective Service Registration).
7. Grammar and punctuation errors are corrected without changing the meaning or content to the State's policy and guidance.

After discussions with the Immigration and Naturalization Service, it was determined that the guidance in the draft TAG about accepting a school district issued permit to work as acceptable documentation of a youth's eligibility to work was indefensible and deleted from the TAG. The State definition of guardian is withdrawn because it limited local flexibility in determining income eligibility for youth who are living with aunts, uncles, grandparents, etc. The term *recently dislocated* is replaced by *terminated/laid off* because the former implied that the dislocation had to be *recent* for an individual to be eligible.

The LWIAs have opted for a variety of ways to comply with the State's requirement to make their policies, procedures, interpretations, guidance, and definitions available to all front line staff responsible for determining eligibility. The TAG was formatted to allow local areas to use form fields to incorporate their policies, procedures, interpretations, guidance, and definitions; however, that does not preclude other possibilities for locally releasing State and local eligibility guidance.

The LWIAs shall review the TAG carefully and review their WIA eligibility policies, procedures, interpretations, guidance and definitions to assure that they comply

with the requirements of the TAG. The following are some of the major items contained in the TAG:

- ***LWIAs are required to develop local policies, procedures, interpretations, guidance and definitions related to eligibility.***
- ***Local policy must be revised to comply with any future federal or State requirements.***
- ***State and local policies, procedures, interpretations, guidance and definitions included within the TAG must be communicated and implemented within the local area.***
- ***In accordance with the provisions of the TAG, LWIAs are responsible for ensuring that adequate documentation (including applicant statements) is contained in their participant case files to minimize the risk of disallowed costs.***

ACTION:

Bring this directive to the attention of all appropriate staff and all subrecipients. ***Ensure that the content of the TAG, including your LWIA's policies, procedures, interpretations, guidance, and definitions are available to all front line staff responsible for determining eligibility.***

INQUIRIES:

Please direct all inquiries about this directive to Georganne Pintar Baldwin, Local Policy Guidance Unit Manager, at (916) 654-7611.

/S/ BOB HERMSMEIER
Chief
Workforce Investment Division

Attachment is available on the Internet:

WIA Eligibility Technical Assistance Guide ([PDF](#) [203k]) ([MS Word](#) [365k])